

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 21, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel(Miriam A.), J., Masterson, J., Dunn, J.
(Assigned), and Connie Hon, Deputy Clerk.

Each of the following:

B111375 Ajax Supply Company v Yankee Dynasty, Inc.
B113144 Anaya, et al. v Nissan Motor Acceptance Corporation
B117197 County of Los Angeles v Isaac L.
B118017 Hollingsworth v Hall
B121988 DCFS v Paulette P.
B122471 DCFS v Felicia H.

Argument waived, cause submitted.

B101198 Creek, et al.
 v.
 First Fidelity Thrift & Loan

Merits:
Argued by David C. Smith for appellant and by Robert C. Norton for
respondents. Cause submitted.

B104621 Graham
 v.
 Hornback, et al.

Merits:
Argued by Larry Lewellyn for respondent and no appearance for appellants.
Cause submitted.

DIVISION ONE (Continued)

B113127 Prestholt
 v.
 Duncan

Merits:

Argued by James A. Krutcik for respondent and no appearance for appellant. Cause submitted.

B111235 S.N.A. Autosound, Inc.
 v.
 Lyons

Merits:

Argued by Steven George Tepper for appellant and by Robert B. Hubbel for respondent. Cause submitted.

Justice Ortega leaves the bench.

B121356 Wear
 v.
 City of Los Angeles

Merits:

Argued by Richard L. Knickerbocker for appellant and by David S. Hotchkiss for respondent. Cause submitted.

B116059 Petrillo
 v.
 Klean-Rite Janitorial Supplies, et al.

Merits:

Argued by Randolph Joyce for appellant and by Kathryn Albarian for respondents. Cause submitted.

Justice Masterson leaves the bench.

DIVISION ONE (Continued)

B119865 Conservatorship of Harold Tragerman
 Schneider
 v.
 Tragerman

Merits:

Argued by Charles M. Stern for appellant and by Lynard C. Hinojosa for respondent. Cause submitted.

B115877 Peters
 v.
 Farmers & Merchants Bank of Long Beach, et al.

Merits:

Argued by Stephen R. Kilstofte for appellant and by John Gloger for respondents. Cause submitted.

Court adjourned.

B114260 Stevenson
B115200 v.
 Stevenson

Filed order granting petition for rehearing.

B109556 Romney (Not for Publication)
 v.
 Meehan

The appeal is dismissed.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

October 21, 1998-Continued

DIVISION ONE (Continued)

B111289 People (Not for Publication)
v.
Morales, et al.

The judgments are affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B111779 People (Not for Publication)
v.
Brash, et al.

The judgments are affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION TWO

B088432 People
v.
Anton Villamar

Filed order denying petition for rehearing.

B107815 People
v.
Juan Garcia

Filed order denying petition for rehearing.

DIVISION THREE

B116590 People (Not for Publication)
v.
Dwayne McKesson

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B117215 People (Not for Publication)
v.
David Chavarria

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B121651 Los Angeles County, D.C.S. (Not for Publication)
v.
Lisa S.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B122774 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Marco T.

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B112071 People
 v.
 Hatch

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B112787 Phoebe Navelle Kelso (Certified for Publication)
 v.
 Robert Duke Kelso
 Linda N. Wistosky

The order denying appellant a hearing on her motion for an award of fees is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs are awarded to appellant.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B121909 Billie Marie Hendricks (Not for Publication)

v.

Workers Compensation Appeals Board
Home Savings of America

The determination of the Board is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B115634 People (Not for Publication)

v.

Jackson

The judgment is modified to reflect defendant Jack Jackson has been fined \$200 pursuant to Penal Code section 1202.45. The clerk of the superior court is ordered upon issuance of the remittitur to prepare and forward to the Department of Corrections a corrected abstract of judgment reflecting: (1) pursuant to Penal Code section 1202.4, subdivision (b), defendant has been fined \$200; and (2) pursuant to Penal Code section 1202.45, an additional \$200 fine has been imposed. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FOUR (Continued)

B100080 People (Not for Publication)
v.
Moreno & Cooper

In regard to defendant Moreno, the judgment is modified as follows: the sentences on counts 7 and 9 are stayed pursuant to section 654. In all other respects, the judgment is affirmed.

In regard to defendant Cooper, the judgment is modified as follows: (1) the sentence for count 5 is increased to four years; (2) the sentence for each of counts 6, 7, 8, and 9 is increased to 16 months; and (3) the sentences on counts 7 and 9 are stayed pursuant to section 654. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B123787 Dale L. (Not for Publication)

v.
S.C.L.A.
D.C.F.S.

The petitions are denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B117658 Los Angeles County, D.C.S. (Not for Publication)

v.
Kevin M.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FIVE

B113729 Neil Lampson, USSF & G, et al. (Not for Publication)

v.
Alliant Techsystems, Inc., et al.

The judgments for Alliant Techsystems, Inc. and INA, and the order imposing sanctions on appellant Norby & Brodeur, are affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B115948 People (Not for Publication)
v.
Isaac Cardona

We order the abstract of judgment corrected to show a 15 year to life sentence pursuant to section 667.61 for Count I, rather than an eight year sentence for sodomy and a nine year enhancement term pursuant to section 667.8. We also order the abstract of judgment corrected to show a suspended fine of \$1,000 pursuant to section 1202.45. We affirm the judgment of conviction in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B122134 Sidney Sapsowitz, et al. (Not for Publication)
v.
John Kluge, et al.

The order under review is affirmed. Plaintiffs, Sidney H. Sapsowitz and Sid Sapsowitz and Associates, Inc., shall recover their costs incurred on appeal jointly and severally from defendants, John W. Kluge, Stuart Subotnick, Metromedia International Group, Inc., Orion Pictures Corporation, and Leonard White.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

October 21, 1998-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B103999 People (Not for Publication)
v.
Sistrunk and Cosby

The judgment of conviction of the Superior Court is affirmed. This cause is remanded for resentencing, with the trial court to exercise its discretion in imposing consecutive or concurrent sentences.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B111394 People (Not for Publication)
v.
Wilson

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B116812 People (Not for Publication)
v.
Johnson

The order under review is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B115857 People (Not for Publication)
v.
Almeida

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B116952 People (Not for Publication)
v.
Payne

The one year sentence enhancement imposed under Penal Code section 667.5, subdivision (b), is stricken. The judgment is modified to include an additional \$10,000 restitution fine which shall remain suspended until appellant's parole is revoked, if ever. The trial court is ordered to amend the abstract of judgment to reflect these modifications. The judgment as modified is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B116255 People (Not for Publication)
v.
Shirley

The judgment is modified to impose an additional \$200 restitution fine under Penal code section 1202.45, to remain suspended until such time, if ever, as appellant violates parole. As modified, the judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B109779 Tuck (Not for Publication)
v.
Westec Security, Inc.

The judgment is affirmed. Respondent is entitled to costs incurred in connection with the appeal.

Lillie, P.J.

I concur: Johnson, J.
I dissent: Neal, J.(Opinion)

B112465 Cunanan (Not for Publication)
v.
Norwalk Manor Homeowners' Assoc., et al.

The appeal is dismissed. Each side shall bear its own costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B113273 Crozier, et al. (Not for Publication)
 v.
 County of Los Angeles

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B115325 Lazo-Ruderis (Not for Publication)
 v.
 Safety Management & Facility Patrol, et al.

The judgment is affirmed as to defendants Ramos and Mosley. The judgment is reversed as to defendant Safety Management and Facility Patrol. Each side to bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.